

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

6
7

9
10
11
12
13
14

9

10

11

13
14

18

19
20
21

22
23

24

25

26
27
28

☐ an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332(b).

☐ an offense listed in 18 U.S.C. § 2332b(g)(5)(B) (crimes of terrorism) for which a maximum term of imprisonment of ten years or more is prescribed.

☐ an offense involving a minor victim prescribed in _____.¹

☐ (2) Defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure Defendant's appearance as required at future court proceedings and the safety of the community.

Alternative Findings

☐ (1) There is a serious risk that Defendant will flee and no condition or combination of conditions will reasonably assure Defendant's appearance as required at future court proceedings.

☐ (2) No condition or combination of conditions will reasonably assure the safety of the community or others if Defendant were released from detention.

☐ (3) There is a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or intimidate a prospective witness or juror).

¹ Insert as applicable: 18 U.S.C. § 1201 (kidnaping); § 1591 (sex trafficking); § 2241 (aggravated sexual abuse); § 2242 (sexual abuse); § 2244(a)(1) (certain abusive sexual contact); § 2245 (offenses resulting in death); § 2251 (sexual exploitation of children); § 2251A (selling or buying of children); § 2252(a)(1), 2252(a)(2), 2252(a)(3) (certain activities relating to material involving sexual exploitation of minors); § 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4) (certain activities relating to material constituting or containing child pornography); § 2260 (production of sexually explicit depictions of minors for importation into the U.S.); § 2421 (transportation for prostitution or a criminal sexual activity offense); § 2422 (coercion or enticement for a criminal sexual activity); § 2423 (transportation of minors with intent to engage in criminal sexual activity); and § 2425 (use of interstate facilities to transmit information about a minor).

1 ☐ (4) _____

2 _____

3 _____

4 _____

5 **PART II -- WRITTEN STATEMENT OF REASONS FOR DETENTION**
(Check one or both, as applicable)

6 ☒ (1) The Court finds that credible testimony and information submitted at the hearing
7 establish by clear and convincing evidence as to danger that:

8 1. Defendant has a significant alcohol abuse problem (admits to 48 oz of beer daily);

9 2. Defendant's use of illegal drugs (meth) 6 months ago;

10 3. Defendant was convicted of Aggravated Assault and Possession of Drug Paraphernalia
11 on or about May 9, 2011;

12 4. Defendant was likely on State probation or pre-trial release when he is alleged to have
13 committed arson, a crime of violence; and

14 5. Defendant's denial that he has an alcohol problem demonstrates his distorted reality
15 about his life.

16 ☒ (2) The Court finds by a preponderance of the evidence as to risk of flight that:

17 ☐ Defendant has no significant contacts in the District of Arizona;

18 ☐ Defendant has no resources in the United States from which he/she might
19 make a bond reasonably calculated to assure his/her future appearance;

20 ☒ Defendant has a prior criminal history;

21 ☒ Defendant has a record of failure(s) to appear in court as ordered;

22 ☐ Defendant attempted to evade law enforcement contact by fleeing from law
23 enforcement;

24 ☐ Defendant is facing a minimum mandatory of _____ incarceration and
25 a maximum of _____ if convicted;

☐ Defendant does not dispute the information contained in the Pretrial Services Report, and all supplements, if any, except:

☒ In addition:

1. Defendant is unemployed; and

2. Defendant's history of alcohol abuse and illicit drug usage renders him inherently unreliable and untrustworthy.

The Court incorporates by reference the findings of the Pretrial Services report and all supplements, if any, which were reviewed by the Court at or before the time of the hearing in this matter.

PART III -- DIRECTIONS REGARDING DETENTION

IT IS ORDERED that Defendant is hereby committed to the custody of the Attorney General or his/her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. 18 U.S.C. § 3142(i)(2). Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. 18 U.S.C. § 3142(i)(3). Upon order of a court of the United States or request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal Service for the purpose of an appearance in connection with a court proceeding. 18 U.S.C. § 3142(i)(4).

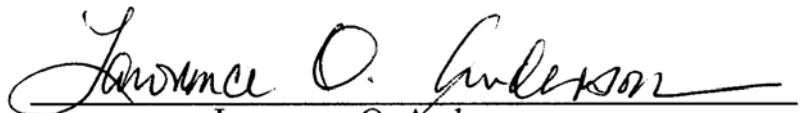
PART IV -- APPEALS AND THIRD PARTY RELEASE

IT IS FURTHER ORDERED that should a review of this detention order be

1 filed pursuant to 18 U.S.C. § 3145, it is the responsibility of the movant's attorney to
2 deliver a copy of the motion for review to U.S. Pretrial Services, at least, one day prior to
3 the review hearing set before the assigned District Judge. Pursuant to Rule 59(a), Fed.R.
4 Crim.P. (2010), a party seeking review shall have **fourteen (14) days** to file a motion for
5 review after being served with a copy of this written order, after the oral order is stated on
6 the record, or at some other time the assigned District Judge may set. Failure to timely file
7 a motion for review in accordance with Rule 59(a) may waive the right to review. Rule
8 59(a), Fed.R.Crim.P.

9 **IT IS FURTHER ORDERED** that the issue of detention may be reopened at any
10 time before trial upon a finding that information exists that was not known to the movant
11 at the time of the detention hearing and such information has a material bearing on the
12 issue whether there are conditions of release that will reasonably assure the appearance of
13 Defendant as required and the safety of any other person and the community. Title 18
14 U.S.C. § 3142(f).

15 DATED this 13th day of January, 2012.

16
17 
18 Lawrence O. Anderson
19 United States Magistrate Judge
20
21
22
23
24
25
26
27
28